

RECEIVED
CENTRAL FAX CENTER

NOV 29 2006

REMARKS

Status of the Claims

Compound claims 1, 2, 5, and 6 remain rejected under 35 U.S.C. 112, first and second paragraphs.

Rejection of the Specification

The Examiner has objected to the specification contending that the addition of unit values to the data given on page 48 of the specification constitutes new matter. The present amendment to the specification removes these unit values. Accordingly since Applicants have reinstated the original paragraph, withdrawal of the new matter objection to the specification is requested.

Rejection of Claims under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 1-2, 6 and 13 under 35 U.S.C. 112, second paragraph for indefiniteness as (1) the variables X and Y still appear in the claims, but have been removed from the formula; and (2) Claims 13 fails to specify a host.

In response, Applicants have deleted the variables X and Y from the claims and added "man" as a host in claim 13. Basis for the amendments can be found the original claims and in the specification on page 35, lines 6-19. Applicants believe the amended claims are well-defined and request withdrawal of the indefiniteness rejection of claims 1-2, 6 and 13.

Rejection of Claims under 35 U.S.C. 112, first paragraph

Claims 1, 2, 5, 6 and 13 are rejected under 35 U.S.C. 112, first paragraph as the Examiner contends that the declaration mailed March 2, 2006 is unpersuasive as (1) the declaration did not contain the data referred to in point 7; (2) the status of the murine mouse "test" is unclear; and (3) the wording of the conclusion is too tentative.

In response, Applicants are submitting a substitute declaration by Dr. John Somerville that includes the data referred to old point 7 (now point 6) that was sent by Applicants as a part of the original declaration. The substitute declaration also corrects typographical errors (e.g. the paragraphs are renumbered to delete extraneous old paragraph marking 6); is explicit with regard to the status of the murine mouse test; and re-states the conclusion as the Examiner suggests.

The substitute declaration of Dr. John Somerville includes the data obtained upon testing representative compounds of the instant invention in the CEM assay described in the specification (pg 46-48). The submicromolar activity demonstrated by these compounds in this assay confirms the significant CCR4 antagonism demonstrated by the compounds of the present invention. The

declaration also presents *in vivo* data obtained in an established murine asthma model (ovalbumin or "OVA"-sensitized mice) that clearly confirms the use of such CCR4 antagonists in treating asthma. This model is accepted in the art as a reasonable predictor of human allergic inflammation, particularly asthma. Please see the references included in the accompanying information disclosure statement that document the wide-spread use of the OVA murine model to predict efficacy in man.

For at least the foregoing reasons, Applicants believe the claims are enabled and request withdrawal of the enablement rejection of claims 1, 2, 5, 6 and 13 for lack of utility.

Fees


No additional fees should be due, however, if it is determined that an additional fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Summary

Applicants believe the claims are in condition for allowance. The Examiner is invited to contact the undersigned by telephone, at the number listed below, if it is believed that a telephonic communication would facilitate the prosecution of this application.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
609-252-5323


Laurelee A. Duncan.
Attorney for Applicants
Reg. No. 44,096

Date: October 17, 2006

Case No.:

QA 0259 NP

Application No.:

10/648,677

Mailing Date:

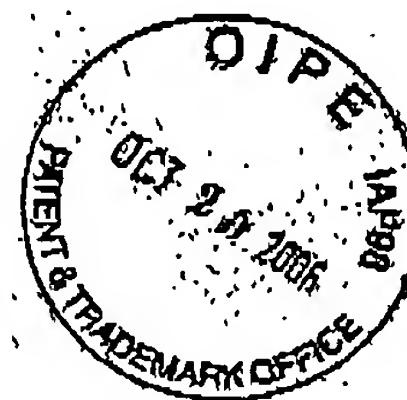
October 17, 2006

Express Mail No.:

The Patent & Trademark Office acknowledges, and has stamped
hereon the date of receipt of the items checked below:

☐ Transmittal Letter☐ Provisional☐ Non-provisional☐ CIP ☐ DIV ☐ CONT☐ RCE☐ Specification _____ pages☐ Drawings _____ pages☐ Sequence Listing _____ pages/disk☐ Statement of Verification☐ Preliminary Amendment☐ Executed/Unexecuted Declaration☐ Response to Missing Parts☐ Assignment Recordation Request☐ Response to Restriction Requirement☒ IDS (SUP)☒ 1449 Form _____ pages☒ No. Of References 7-7☒ Amendment/Response Letter☐ Amendment After Final☒ Petition For Extension of Time 1 month☐ Notice of Appeal☐ Appeal Brief☐ Issue Fee Payment☒ Other Declaration of John F. Somerville

FM060019-1



LAD